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**JUN 24 2005**

DIRECTOR OFFICE  
TECHNOLOGY CENTER 2100

In re Application of: Nakamura, et al.  
Application No. 10/643,312  
Filed: 18 August 2003  
For: DISK CONTROL SYSTEM AND  
CONTROL METHOD OF DISK CONTROL  
SYSTEM

DECISION ON PETITION  
FOR ACCELERATED  
EXAMINATION UNDER  
M.P.E.P. § 708.02(VIII)

This is a decision on the petition filed 20 May 2005, under 37 C.F.R. 102(d) and M.P.E.P. § 708.02(VIII): Accelerated Examination, to make the above-identified application special.

The Petition is **DISMISSED**.

M.P.E.P. § 708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. § 102(d) states in relevant part:

A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:

- (a) Submits a petition to make special accompanied by the fee set forth in 37 CFR 1.17(h);
- (b) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status;
- (c) Submits a statement(s) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. The pre-examination search must be directed to the invention as claimed in the application for which special status is requested. A search made by a foreign patent office satisfies this requirement;
- (d) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and

(e) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references.

The petition filed 20 May 2005 fails to adequately meet requirement (e) as set forth above. Responsive to requirement (e), applicant must provide a "detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references." Petitioner should ensure that the above discussion is directed to *how the language of each independent claim is specifically distinguishable and patentable from the references* provided pursuant to requirement (d) supra.

Applicant's petition fails to discuss the **claimed limitations** with respect to the references in accordance with the requirements of 37 CFR 1.111 (b) and (c). The petition summarizes each independent claim, but the discussion of each prior art reference lacks the requisite instance/citation of a distinguishing limitation from each independent claim pointing out its patentability. The petition addresses the prior art references and concludes each with language/limitations similar to some of the claims, but the featured language does not appear to be commensurate with each of the independent claims. For example, claim 1 does not specify a limitation of "determining that a logical device has not been assigned to a specified logical unit" as Petitioner avers to be a patentable distinction in the discussion of each reference.

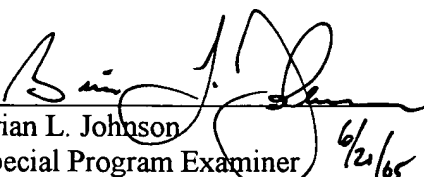
Filing for Accelerated Examination under MPEP § 708.02(VIII), requires Petitioner to provide a detailed discussion that includes identifying claim limitations with particularity for each independent claim that are absent in the relevant prior art references.

In the discussion of how the claims are patentable over the references, the petition must show, for each independent-claim, specific limitations that distinguish over each given reference in order to specify "how the claimed subject matter is patentable over the references."

Petition to Make Special **DISMISSED**.

Petitioner is given one opportunity to perfect the petition. Any request for reconsideration must be filed within TWO MONTHS of the mail date of this decision.

Until the renewed petition is submitted, the application will be returned to the examiner's docket to await treatment on the merits in the normal order of examination.

  
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